Regular Meeting City Hall Council Chambers Tuesday, December 10, 2019 6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss. The City Clerk called the roll:

Councilor Morelli-present Councilor Phanthay-present Councilor Daniels-present Councilor Ferris-present Chairman Goss-present

Chairman Goss declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle were also present.

Chairman Goss led members of the Council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Thomas Morelli, Michele Daniels and Soubanh Phanthay MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, December 12, 2019 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss		
Mayor and Chairman of the City Council		
Or		
Majority of the City Council		
a true copy, attest: s/Ronda J. Hogan		
City Clerk		

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand of by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Jerry Goss	Parady	Off.	12/06/19	17:02
Thomas Morelli	Parady	Off.	12/06/19	18:14
Joseph L. Ferris	Parady	Off.	12/06/19	17:52
Michele Daniels	R. Hogan	C.C.	12/06/19	3:30 p.m.
Soubanh Phanthay	Parady	Off.	12/06/19	17:05

CITY COUNCIL REGULAR MEETING

Tuesday, December 10, 2019 6:00 P.M. **Brewer City Hall Council Chambers**

- Call to Order (Mayor Goss) I.
- II. Roll Call (City Clerk)
- Pledge of Allegiance to the Flag of the United States of America (Mayor Goss) III.
- Minutes of November 19, 2019 Regular Meeting & 2019 Annual Meeting (Councilor A.

B.	Awards, Petitions and Public Comments 1. Presentation by Public Safety Director Jason Moffitt			
				y Director Jason Moffitt
C. Consent Calendar				
	1.	(2019-A169)	ORDER	Designate City Manager to act as agent of the City Council for approval of utility location permits (Councilor Morelli)
	2.	(2019-A170)	ORDER	Authorize City Manager, or his designee, to sign release deeds on behalf of the City of Brewer (Councilor Daniels)
	3.	(2019-A171)	ORDER	Authorize City Clerk to sign applications for renewal of liquor licenses on behalf of the City Council (Councilor Phanthay)
	4.	(2019-A172)	ORDER	Authorize the City Clerk, or in the absence of the City Clerk, a Deputy Clerk to sign applications for liquor catering events, beano licenses, bingo licenses and other games of chance on behalf of the City Council (Councilor Ferris)
	5.	(2019-A173)	ORDER	Authorize the City Manager, Stephen Bost, or his designee, to apply for, accept and be the designated city official to accept delivery of forfeited property on behalf of the City of Brewer and to authorize the City Solicitor, Jonathan Pottle, to certify on all applications for forfeited property to the authority of the City Manager to act on behalf of the City of Brewer (Councilor Morelli)
	6.	(2019-A174)	ORDER	Commit water assessment to Treasurer for collection (Councilor Daniels)
	7.	(2019-A175)	ORDER	Commit sewer assessment to Treasurer for collection (Councilor Phanthay)
	8.	(2019-A176)	ORDER	Authorize purchase of a replacement dump truck/plow for Public Works (Councilor Ferris)
	9.	(2019-A177)	ORDER	Authorize WPCF to purchase 2012 International dump truck/plow from public works (Councilor Morelli)
	10.	(2019-A178)	ORDER	Accept donation to the Brewer Parks & Recreation Department (Councilor Daniels & Councilor Phanthay)
	11.	(2019-B038)	RESOLVE	Amend the schedule of the City Council regular meetings to change the March 10, 2020 regular

meeting date (Councilor Ferris)

D. Monthly Reports (Councilor Daniels)

- E. Nominations, Appointments, Elections
- F. Unfinished Business
 - 1. (2019-C011) Amend Chapter 19 (Traffic Code), Article 3, Section 315, Schedule A (90-Minute Parking), NORTH MAIN STREET, Line #1 (Councilor Goss)
- G. New Business
- H. New Items with Leave of Council
- I. ADJOURN

A. Minutes of November 19, 2019 Regular Meeting & 2019 Annual Meeting

ACTION: Councilor Morelli moved that the minutes of the November 19, 2019 Regular Meeting and the 2019 Annual Meeting be accepted and placed on file. The motion was seconded and passed unanimously.

B. Awards, Petitions and Public Comments

Public Safety Director Jason Moffitt addressed the Council and recognized Deputy Chief Chris Martin for his 25 years of service to the Brewer Police Department by presenting him with a plaque. Deputy Chief Martin thanked the Council and City Staff and stated that his whole adult life he has been serving the Brewer Community and he hopes that they will indulge him and allow him to stay around a bit longer.

Councilor Ferris thanked Deputy Chief Martin and stated that Deputy Chief Martin has done a great job for our community and we are very lucky to have him. Councilor Daniels said her first meeting with Deputy Chief Martin was back when he was coaching her sons in wrestling and now that she is part of her neighborhood watch she is very impressed with Deputy Chief Martin and Chief Moffitt and their knowledge of everything that goes on in this City. Councilor Morelli thanked Deputy Chief Martin for his service and all that he has done over the last 25 years for the community of Brewer. Mayor Goss stated that he and Deputy Chief Martin go back a way, back to when Mayor Goss was a Principal at the High School and Deputy Chief Martin was the one who wrote the first School Resource Officer job description in the State of Maine. Councilor Phanthay thanked Chris Martin and all of the Public Safety officers and stated that if you do something for 25 years you have to love it and it is obvious to Councilor Phanthay that Deputy Chief Martin loves his job and we are lucky to have him in Brewer.

Mayor Goss recognized two Boy Scouts who had joined the Council meeting as part of a merit badge they were working on and they had their picture taken with the Council.

Larry Dansinger of Bangor made a request of the Brewer City Council to be a part of the Urban Garden Tour next summer by lending their support. Mayor Goss said yes, they would like to be involved and directed Mr. Dansinger to City Manager Stephen Bost to make an appointment and work out the details.

Mr. Dansinger had a second request. He wished for some clarification of an email he had between past Councilor Bev Uhlenhake, himself and City Manager Stephen Bost. He said the email was inquiring asking if the City of Brewer would be interested in a payroll deduction program for Maine Share. He said he got a negative response but was curious what the reasons were for the answer. City Manager Bost, at the request of the Mayor, explained that Councilor Uhlenhake had given him numerous reasons in her email for the City's answer and Bost explained he could get a copy of that email if Mr. Dansinger wished. Mr. Dansinger then questioned the City Manager if the City had any payroll deductions for other organizations, the City Manager replied that the City does not.

C. Consent Calendar

2019-A169 December 10, 2019

TITLE: ORDER, DESIGNATE CITY MANAGER TO ACT AS AGENT OF THE

CITY COUNCIL FOR APPROVAL OF UTILITY LOCATION

PERMITS

Filed December 4, 2018 By Thomas Morelli

ORDERED, that Stephen Bost, Brewer City Manager, is herewith authorized to accept applications for utility location permits on behalf of the City Licensing Authority, to wit, the City Council, for calendar year 2020; and

FURTHER ORDERED, that Stephen Bost, in his capacity as Brewer City Manager, is authorized to approve such applications on behalf of the Brewer City Council during calendar year 2020.

Statement of Fact

Chapter 20 of the City of Brewer Code of Ordinances entitled "Licenses and Permits", under Section 307 provides that the City Council may designate the City Manager to accept and approve applications for utility location permits on their behalf.

2019-A170 December 10, 2019

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO SIGN RELEASE DEEDS ON BEHALF OF THE CITY OF BREWER

Filed December 4, 2018 By Michele Daniels

ORDERED, that the City Manager, or his designee, is herewith authorized to sign release/municipal quitclaim deeds on behalf of the City of Brewer releasing any interest the City might have in and to real estate covered by a Tax Collector's Lien Certificate which has been paid within the statutory period of redemption, but not discharged by the City Treasurer within the same time period.

Statement of Fact

This is an annual housekeeping order.

2019-A171 December 10, 2019

TITLE: ORDER, AUTHORIZE CITY CLERK TO SIGN APPLICATIONS FOR

RENEWAL OF LIQUOR LICENSES ON BEHALF OF THE

CITY COUNCIL

Filed December 4, 2019 By Soubanh Phanthay

ORDERED, that the City Clerk is herewith authorized to sign, on behalf of and as agent of the City licensing authority, to wit, the City Council, all applications for renewal of State of Maine Liquor licenses during calendar year 2020. This authorization is subject to the limitation on her authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer.

Statement of Fact

This is an annual housekeeping order.

2019-A172 December 10, 2019

TITLE: ORDER, AUTHORIZE THE CITY CLERK, OR IN THE ABSENCE OF

THE CITY CLERK, A DEPUTY CLERK TO SIGN

APPLICATIONS FOR LIQUOR CATERING EVENTS, BEANO LICENSES, BINGO LICENSES AND OTHER GAMES OF

CHANCE ON BEHALF OF THE CITY COUNCIL

Filed December 4, 2019 By Joseph L. Ferris

ORDERED, that the City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is herewith authorized to sign, on behalf of and as an agent of the City Licensing Authority, to wit, the City Council, all applications to operate beano, bingo or other games of chance during the year 2020. This authorization is subject to the limitation on the City Clerk's authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer; and

FURTHER ORDERED, that the City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is herewith authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications for catered events at which alcohol is to be served by persons, corporations or other legal entities licensed by the State of Maine to do liquor catering during the year 2020. The City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is also authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications to the State of Maine for approval for events at the Brewer Auditorium at which BYOB is permitted during the year 2020. This authorization is subject to the limitation on the City Clerk's authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer.

Statement of Fact

This is an annual housekeeping order.

2019-A173 December 10, 2019

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, STEPHEN BOST, OR

HIS DESIGNEE, TO APPLY FOR, ACCEPT AND BE THE DESIGNATED CITY OFFICIAL TO ACCEPT DELIVERY OF

FORFEITED PROPERTY ON BEHALF OF THE CITY OF BREWER AND TO AUTHORIZE THE CITY SOLICITOR, JONATHAN POTTLE, TO CERTIFY ON ALL APPLICATIONS FOR FORFEITED PROPERTY TO THE AUTHORITY OF THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF BREWER

Filed December 4, 2019 By Thomas Morelli

WHEREAS, from time to time, the City of Brewer becomes eligible to receive forfeited property as the result of its Police Department personnel being involved in resolving criminal cases; and

WHEREAS, in order to receive forfeited property an application must be prepared and submitted on behalf of the City; and

WHEREAS, the City must designate a person who may accept forfeited property on its behalf; and

WHEREAS, the City also must designate the person to receive the delivery of the transfer of forfeited documents and/money on behalf of the City; and

WHEREAS, the City Solicitor must certify in the application for transfer of forfeited property to the authority of the person signing the application.

NOW THEREFORE, IT IS HEREBY ORDERED, by the Brewer City Council as follows:

- 1. The City Manager, Stephen Bost, or his designee, is authorized to sign any and all applications for the transfer of forfeited property on behalf of the City of Brewer.
- 2. The City Manager, Stephen Bost, or his designee, is authorized to accept forfeited property on behalf of the City.
- 3. The City Manager, Stephen Bost, or his designee, is hereby designated as City official to receive the delivery of any and all forfeited documents and/or money on behalf of the City.
- 4. The City Solicitor, Jonathan Pottle, is authorized to certify to the authority of the City Manager, or his designee, to act on behalf of the City, as provided in this Order on any and all applications for the transfer of forfeited property.

Statement of Fact

This is an annual housekeeping order.

2019-A174 December 10, 2019

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER FOR COLLECTION

Filed December 4, 2019 By Michele Daniels

WHEREAS, under Chapter 40 of the Water Department of the City of Brewer, a water charge is assessed to water users.

NOW, THEREFORE BE IT ORDERED, that the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$625,804.71** at the established rate, as provided by Title 35-A M.R.S. §6105 and as such sections may be amended from time to time; and

BE IT FURTHER ORDERED, that said charges are due and payable on the date of this commitment.

EVENT	COMMITMENT	COMMENTS
December 2019	\$620,715.01	
September 2019	\$1,184.36	
October 2019	\$2,804.89	
November 2019	\$1100.45	
TOTAL	\$625,804.71	

2019-A175 December 10, 2019

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER FOR COLLECTION

Filed December 4, 2019 By Soubanh Phanthay

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment Ordinance of the City of Brewer, a sewer charge is assessed to users.

NOW, THEREFORE BE IT ORDERED, that the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of \$589,410.91 at the established rate, as provided by Title 30-A M.R.S. §3406 and Title 38 M.R.S. §1208 and as such sections may be amended from time to time; and

BE IT FURTHER ORDERED, that said charges are due and payable on the date of this commitment.

EVENT	COMMITMENT	COMMENTS
December 2019	\$579,614.48	
September 2019	\$2,985.25	
October 2019	\$2,062.76	
November 2019	\$4,748.42	
TOTAL	\$589,410.91	

2019-A176 December 10, 2019

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT DUMP TRUCK/PLOW FOR PUBLIC WORKS

Filed December 4, 2019 By Joseph L. Ferris

WHEREAS, Bids were solicited, received and evaluated for the purchase of a dump truck/snowplow to replace Public Works unit #423 a 2012 International plow truck, a project that was included in the approved FY20 CIP budget; and

WHEREAS, taking into account the value Public Works can receive for the 2012 unit #423, Freightliner of Maine provided the low bid for the replacement dump truck/plow.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Freightliner of Maine in the amount of \$150,209.00 for the purchase of a 2021 108SD Freightliner dump truck with plow, wing and sander body; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the FY2020 CIP account 0510133 - 551376, titled "Dump/Plow #423"; and

BE IT FURTHER ORDERED, that the current Public Works unit numbered 423, the 2012 International dump truck, with a plow and wing, be deemed surplus equipment and be disposed in a manner that would be in the best interest of the citizens of Brewer; and

FURTHER ORDERED, that the proceeds obtained from the disposal or sale of unit #423 be accepted and appropriated for expenditure on the purchase of the 2021 Freightliner.

Statement of Fact

This purchase will replace one of our oldest plow trucks, unit #423 for which \$132,000 was allocated for in the FY2020 CIP Budget. The intent is to sell the 2012 unit being replaced to the Brewer Sewer Department for \$25,000 and use these funds to augment the approved CIP budget to cover the \$150,209.00 purchase price. Public Works estimates the value of having this truck and plow equipment available to the Public Works Department as a backup in case of an emergency at \$5,000.

2019-A177 December 10, 2019

TITLE: ORDER, AUTHORIZE WPCF TO PURCHASE 2012 INTERNATIONAL DUMP TRUCK/PLOW FROM PUBLIC WORKS

Filed December 4, 2019 By Thomas Morelli

WHEREAS, the Brewer Water Pollution Control Facility (WPCF) has a 1996 Ford dump truck that is well past its useful life, requiring increasingly expensive repairs to keep operational; and

WHEREAS, WPCF has been told by the Public Works Shop Foreman that the truck will no longer pass inspection; and

WHEREAS, Public Works is declaring surplus a 2012 International dump truck/plow that the WPCF could utilize as a plow truck as well as for hauling material to the landfill; and

WHEREAS, WPCF has funds available in its General Capital Reserve account that it could use to purchase this vehicle.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Water Pollution Control Facility to purchase from Public Works its surplus 2012 International dump truck/plow for \$25,000; and

BE IT FURTHER ORDERED, that the \$25,000 for this purchase shall come from WPCF's General Capital Reserve account and be appropriated for expenditure from Sewer CIP account 0581003-583020 (2012 International Dump/Plow); and

FURTHER ORDERED, that the 1996 Ford dump truck be deemed surplus equipment and be disposed of in a manner in the best interest of sewer ratepayers.

Statement of Fact

This order authorizes WPCF to purchase a surplus dump truck/plow from Public Works for \$25,000 to replace a 1996 Ford dump truck that will no longer pass inspection. Funding for this purchase

will come from WPCF's general capital reserve account. The order also declares the 1996 truck surplus and authorizes its disposal.

2019-A178 December 10, 2019

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT

Filed December 6, 2019 By Michele Daniels & Soubanh Phanthay

WHEREAS, the City of Brewer Parks and Recreation Department has received a very generous contribution of \$1,000 from an anonymous donor to provide Parks and Rec program scholarships to youth who might otherwise not be able to participate.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts the \$1,000 donation and orders its receipt to 0107114-300420 (Parks and Rec Contributions/Donations); and

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of the donation to support youth scholarships to Brewer Parks and Recreation programs (an estimated \$500 from After School Programs account 0117121-506100 and \$500 from Summer Program/League account 0117121-506120); and

FURTHER ORDERED, that the Council offers its sincere gratitude to the donor for their generosity and giving spirit in support of our community's youth.

Statement of Fact

This order accepts a \$1,000 donation to the Parks & Recreation Department to provide program scholarships to youth in need. The donor wishes to remain anonymous.

2019-B038 December 10, 2019

TITLE: RESOLVE, AMEND THE SCHEDULE OF THE CITY COUNCIL REGULAR MEETINGS TO CHANGE THE MARCH 10, 2020 REGULAR MEETING DATE

Filed December 4, 2019 By Joseph L. Ferris

WHEREAS, the City Council, at its annual meeting held on November 19, 2019, adopted Resolve 2019-B035 establishing dates of its regular monthly meeting for 2020; and

WHEREAS, Tuesday, March 10, 2020 was established as the date for the March 2020 regular Council meeting; and

WHEREAS, this date conflicts with a previously scheduled municipal conference.

NOW, THEREFORE, BE IT RESOLVED, that Council Resolve 2019-B035, be amended by changing the date of the regular meeting for the month of March from Tuesday, March 10, 2019 to Tuesday, March 17, 2019 at 6:00 p.m.

ACTION: Councilor Ferris moved that orders on the consent calendar have passage and the resolve be adopted. The motion was seconded and passed unanimously.

D. Monthly Reports

ACTION: Councilor Daniels moved that the monthly reports from Department Heads be accepted and placed on file. The motion was seconded and passed unanimously.

E. Nominations, Appointments, Elections

There were none.

**

F. Unfinished Business

2019-C011 November 19, 2019

TITLE: AMEND CHAPTER 19 (TRAFFIC CODE), ARTICLE 3, SECTION 315, SCHEDULE A (90 MINUTE PARKING), NORTH MAIN STREET, LINE ITEM #1

Filed October 31, 2019 By Jerry Goss

BE IT ORDAINED, by the Brewer City Council that the Brewer City Traffic Code shall be amended by changing Chapter 19, Article 3, Section 315, Schedule A, NORTH MAIN STREET, by editing line item 1 as follows:

(1) On the northerly side of North Main Street beginning at a point 100' southwesterly from the westerly side of the intersection of Betton St. and North Main Street, southwesterly to a point 55' northeasterly of the easterly side of the intersection of Union Street and North Main Street.

STATEMENT OF FACT

This ordinance change is necessary to meet recent direction that has been given by Maine DOT in regards to the distance to the first parking spot in relation to a crosswalk. Maine DOT now requires a minimum of 20' clear space around a crosswalk. During the plan review for the recently completed

North Main and Church Rapid Flashing Beacon Crosswalk project, Maine DOT requested that the parking space closest to the crosswalk in front of City Hall be removed to meet the new standard.

ACTION: Councilor Morelli moved that the amendment be enacted. The motion was seconded and passed unanimously.

H. New Items with Leave of Council

2019-A179 December 10, 2019

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT VEHICLE FOR ENGINEERING DEPARTMENT

Filed December 10, 2019 By Thomas Morelli & Michele Daniels

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative that this order become effectively immediately upon its passage to ensure the safety of the City's vehicle fleet; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, in July 2019, the Brewer City Council approved order 2019-A092 authorizing the purchase of a replacement vehicle for the Engineering Department from Quirk Auto Park for \$32,215; and

WHEREAS, the vehicle was supposed to be delivered by the end of October and the dealer now says that it will not be available until at least the end of January 2020; and

WHEREAS, the Engineering Department vehicle can no longer legally operate; and

WHEREAS, the City was able to obtain a quote of \$34,000 from Downeast Toyota of Brewer for a new 2019 Toyota Highlander that is available immediately and under the \$35,000 approved in the FY20 CIP for this purchase;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to purchase a 2019 Toyota Highlander from Downeast Toyota for \$34,000, which shall be charged to FY20 CIP account 0510133-551355; and

BE IT FURTHER ORDERED, that the Council hereby reaffirms that the existing 2006 Ford F150 Engineering Department pickup truck is declared surplus and its disposal authorized by competitive sale or other means as is in the best interest of the citizens of Brewer with proceeds of the disposal, if any, being deposited to 0500100-300410 (CIP Sale of Asset Revenue) to be used to fund future capital purchases; and;

FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of this vehicle.

Statement of Fact

This order replaces one approved in July authorizing the purchase of a replacement vehicle for the Engineering Department from Quirk Auto; it authorizes the purchase of a 2019 Toyota Highlander for \$34,000 from Downeast Toyota. Quirk missed its October delivery date and says the earliest it could provide a vehicle is late January. Because the Engineering truck can no longer legally operate, we have located a different, comparably priced vehicle that is under the approved budget for this item and available immediately.

ACTION: The City Clerk polled the Council to see if they wanted to take up the order, it was unanimous. Councilor Daniels moved that the order have passage. The motion was seconded and passed unanimously.

I. ADJOURN

Brewer, Maine

A TRUE COPY, ATTEST: